

**GENERAL
INFORMATION****Federal
Requirements**

The federally mandated Child Support Enforcement (IV-D) Program was created in 1975 by Title IV-D of the Social Security Act. The Program was created to establish paternity and to secure child support from non-custodial parents. Since 1975, amendments to the Act have expanded the scope of the program to include certain aspects of spousal support and medical support enforcement.

The Social Security Act and federal regulations require each State to establish a single and separate organizational unit to be responsible for administration or supervision of administration of the State plan under title IV-D of the Act. Federal regulations provide that the IV-D agency need not perform all the functions of the IV-D program but must insure all functions are being carried out properly, efficiently and effectively. The IV-D agency in Michigan is the Office of Child Support (OCS).

**Agency
Responsibilities**

As a federally mandated and funded program, the Office of Child Support is required to comply with regulations developed by the federal Department of Health and Human Services, Office of Child Support Enforcement (OCSE). OCS is an organizational unit in the Family Independence Agency (FIA). As such, OCS is also required to comply with the managerial decisions and mandates of the FIA Directorship. As the designated IV-D agency in Michigan, OCS is federally responsible for all IV-D related activities in the state.

The Office of Child Support was created within the Family Independence Agency by Michigan's Public Act 174 of 1971 (MCL 400.231-400.235). This statute provides OCS with the power and duty to:

1. Serve as the state agency authorized to administer Title IV-D of the Social Security Act;
2. Develop guidelines and coordinate activities among the various governmental agencies and departments in locating non-custodial parents and provide location services;
3. Serve as the state information agency as provided in Michigan's Revised Uniform Reciprocal Enforcement of Support Act (RURESA) and Uniform Interstate Family Support Act (UIFSA);
4. Develop, administer, and coordinate with the state and federal departments of treasury a procedure for offsetting the state and federal income tax refunds of non-custodial parents who owe arrearages under child support orders;

5. Develop and implement a statewide information system to facilitate the establishment and enforcement of child support obligations;
6. Publicize through regular and frequent, nonsexist public service announcements the availability of support establishment and enforcement services; and,
7. Develop and implement in cooperation with financial institutions a data matching and lien and levy system.

**Agency
Philosophy**

The mission of the Family Independence Agency is to provide programs and services to strengthen families and foster independence. A primary goal of the IV-D program is to shift the responsibility of support for children back to those legally responsible for that support. The Office of Child Support can assist in the goal of providing financial independence to families and children. Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support or cooperating with the Agency, the Friend of the Court and Prosecuting Attorney to obtain support from a non-custodial parent.

**CHILD SUPPORT
AGENCY
FUNCTIONS**

Michigan's Child Support Program operates through the cooperative efforts of 3 agencies: the Office of Child Support (OCS), the Prosecuting Attorney's Office (PA) and, the Friend of the Court (FOC). Federal regulations require IV-D agencies to have a staff to perform local level IV-D program functions. Counties vary in size, economic activity and court procedures. Similarly, there is a wide variance in staffing levels of local FIA, Prosecuting Attorney and Friend of the Court offices. Consequently, procedures for specific functions must be worked out within each county. In order to maintain efficient operation of the IV-D program a smooth line of communication must be established with the Office of Child Support, the office of the County Prosecutor and the office of the Friend of the Court.

**The Office of Child
Support****The Support Specialist**

The Support Specialist works within the Office of Child Support; and, is a Family Independence Agency (FIA) employee working in the local FIA office. The Support Specialist assists in coordinating the IV-D program with the FIA county operation. In general, the Support Specialists evaluate service needs, provide locating services, and make any necessary referrals to the Prosecuting Attorney and Friend of the Court for support action. The Support Specialist acts as a liaison between the Agency and the Friend of the Court, or the Agency and the Prosecutor to provide a smooth channeling of information regarding child support cases.

Support Specialist Responsibilities

The routine activities and responsibilities of the Support Specialist include:

1. Interviewing FIP and non-FIP IV-D clients and determine appropriate child support activity.
2. Identifying legal and natural non-custodial parents.
3. Locating non-custodial parents.
4. Identifying and referring IV-D cases needing legal action to the appropriate office, Friend of the Court or Prosecuting Attorney.
5. Notifying the Prosecutor or the FOC of known changes affecting support activity for referred cases (i.e., FIP opening, FIP closure, transfer from one assistance program to another, address change, etc.).
6. Referring to FOC individuals seeking to register support orders under UIFSA and follow up on referrals.
7. Assisting in processing support case refunds when support collections are sent to the state in error.
8. Assisting in resolving Child Support Participation Payment problems.
9. Processing non-FIP applications for IV-D services.

Other activities may include:

- Contacting the non-custodial parent.
- Executing a voluntary acknowledgment of parentage.
- Assisting in identifying the amount of confinement expenses covered by Medicaid for paternity cases.
- Signing petitions for support.
- Assisting the Prosecutor in relocating a non-custodial parent
- Assisting the Prosecutor in obtaining a stipulation for support
- Attending and providing testimony at court hearings for support, when deemed necessary by the Prosecutor.

Office of the Prosecuting Attorney

The Prosecuting Attorney is responsible for reviewing cases and establishing paternity and/or obtaining court orders for child support and

health care coverage using the most appropriate legal process available.

Federal regulations require that states:

- Secure support for children from legally liable persons,
- Formally establish child support obligations using appropriate state laws and legal processes, and
- Cooperate with other states in establishing child support obligations.

Regulations also prescribe timeframes for actions to establish child support obligations (see PAH Items 230 and 240).

The Family Support Act, Status of Minors Act, Paternity Act, and the Uniform Interstate Family Support Act (UIFSA) are the Michigan statutes most commonly used to establish support actions. Divorce laws include provisions which permit intervention by the Prosecuting Attorney to protect the interest of the child or public.

The responsibilities of the Prosecuting Attorney include:

1. Evaluate referral information received from the Support Specialist.
2. Take necessary action to establish paternity and/or a child support obligation using the most appropriate legal process available. Take action on referrals in accordance with federally mandated timeframes for establishing a support obligation (timeframes discussed in PAH Items 230 and 240).
3. Make arrangements for genetic testing when appropriate.
4. Inform Support Specialists of the filing of a complaint and subsequent action taken on referrals. Provide the Support Specialist with periodic updates on the status of actions on the case and respond within one week of receipt to requests from the support specialist for status updates.
 - If action is successful, notify the Support Specialist of acknowledgments of parentage obtained and orders of filiation and /or support entered. Provide a copy or record of the acknowledgment or order to the Support Specialist.
 - If a complaint is dismissed without prejudice and there is no present potential for action, return the referral to the Support Specialist with the reason for the dismissal and circumstances under which support action can be resumed.

5. If action cannot be completed because the non-custodial parent cannot be located the PA is responsible for providing location services. The Support Specialist is available to provide assistance. The PA also performs locating activities when necessary to respond to RURESA and UIFSA petitions.
6. Provide assistance in a pending divorce action or in modification of a divorce decree when a child or support for a child has been omitted from the order.
7. Represent the resident petitioner and conducts proceedings as necessary in UIFSA establishment actions.
8. Respond to interstate requests and process cases based on UIFSA or Revised Judicature Act to assert jurisdiction of the matter in Michigan.
9. Establish an order in a foreign country using the process under UIFSA.

Office of the Friend of the Court

In general, Friends of the Court provide services which include:

- Locating payers and payees;
- Review and modification of child support orders;
- Enforcement of child support or child/spousal orders and certain medical support orders;
- Collection and disbursement of support collections;
- Provide support services to the extent possible based on information in IV-D cases referred for action by IV-D agencies of other states. Services include locating non-custodial parents, initiating enforcement and modification under UIFSA, and registering foreign support orders in Michigan under UIFSA.

The Friend of the Court Bureau

The State Friend of the Court Bureau was created through the Friend of the Court Act, P.A.294 of 1982. The Bureau is created within the State Court Administrative Office and falls under the supervision and direction of the state supreme court. This Act requires that the Friend of the Court Bureau:

- Develop and recommend guidelines for conduct, operations, and procedures of the office and its employees, including, but not limited to, the following:
 - Case load and staffing standards for employees who perform domestic relations mediation functions, investigation and rec-

ommendation function, referee functions, enforcement functions, and clerical functions.

- Orientation programs for clients of the office.
- Public educational programs regarding domestic relations law and community resources, including financial and other counseling, and employment opportunities.
- Procedural changes in response to the type of grievances received by an office.
- Model pamphlets and procedural forms, which shall be distributed to each office.
- A formula to be used in establishing and modifying a child support amount and health care obligation.
- Provide training programs for the friend of the court, domestic relations mediators, and employees of the office to better enable them to carry out the duties described in this act and supreme court rules.
- Gather and monitor relevant statistics.
- Annually issue a report containing a detailed summary of the types of grievances received by each office, and whether the grievances are resolved or outstanding.
- Develop and recommend guidelines to be used by an office in determining whether or not parenting time has been wrongfully denied by the custodial parent.
- Develop standards and procedures for the transfer of part or all of the responsibilities for a case from one office to another in situations considered appropriate by the bureau.
- Certify domestic relations mediation training programs.
- Establish a 9-person state advisory committee composed of 3 public members who have had contact with an Office of the Friend of the Court, 3 attorneys who are members of the State Bar of Michigan and whose practices are primarily domestic relations law, and 3 human service professionals who provide family counseling.
- Cooperate with the Office of Child Support in developing and implementing a statewide information system as provided in the Office of Child Support Act, 1971 PA 174, MCL 400.231 to 400.235.

- Develop and make guidelines to assist the Office of the Friend of the Court in determining the appropriateness in individual cases of the following: imposing a lien or requiring the posting of a bond, security, or other guarantee to secure the payment of support; implementing the offset of a delinquent payer's state income tax refund.
- Develop and provide the Office of the Friend of the Court with all of the following: form motions, responses, and orders for use by an individual in requesting the court to modify his or her child support, custody, or parenting time order, or in responding to a motion for modification without the assistance of legal counsel.
- Develop guidelines for, and encourage the use of, plain language within the Office of the Friend of the Court including, but not limited to, the use of plain language in forms and instructions within the office and in statements of account.

COOPERATIVE REIMBURSEMENT CONTRACT AGREEMENTS

Federal regulations require that the state enter into written agreements for cooperative arrangements with the appropriate courts, law enforcement officials, Indian tribes or tribal organizations to fulfill the federal IV-D requirements. To assist the Prosecuting Attorneys and the Friends of the Court in fulfilling required IV-D functions and pursuant to state statute, FIA through OCS has established contracts through Cooperative Reimbursement Contract Agreements. Such contracts are authorized by federal regulations as the method by which the state IV-D agency may "delegate" IV-D program functions to local agencies. Through these contracts Friends of the Court and Prosecuting Attorneys receive funds for staff and services necessary to perform IV-D activities in compliance with statutory and regulatory requirements.

IV-D COMBINED POLICY MANUAL

Purpose

This manual addresses the IV-D functions, requirements and interaction of 3 agencies: The Office of Child Support, Friend of the Court, and Prosecuting Attorney. These 3 agencies work cooperatively to fulfill the federal and state mandates of a child support program. For a state to qualify for full federal financial participation in their FIP program, the state as a whole must have an approved, effective child support program. For a state's child support program to be approved by OCSE, it must be described in a standard format and be coordinated by an identifiable unit. OCSE reviews state programs and operations for compliance with federal regulations and audits state and local expenditures to determine continued eligibility for federal financial participation.

It is the function of the IV-D agency to provide a written set of instructions, or procedures, which describe in detail the step by step actions to be taken by child support enforcement personnel in the performance of a specific function under the State's IV-D plan. According to federal regulation, the IV-D agency may issue general instructions on one or more functions and delegate responsibility for the detailed procedures to the office, agency or political subdivisions actually performing the function.

The purpose of the Combined IV-D Policy Manual is to convey policies and procedures for operation of the IV-D program. It is a combination of previous agency specific manuals, Office of Child Support Manual, Friend of the Court Manual series 4000, and IV-D Program Prosecuting Attorney Handbook. This combined manual is based on Title IV-D of the Social Security Act (42 USC 651), the code of federal regulation (CFR) and Michigan Compiled Laws (MCL, MCLA).

Services or functions that are unique to a particular office are clearly identified in each item and may appear in separate items.

**Manual
Distribution**

Manuals should be distributed and made available to all staff involved with the IV-D program in the offices of Child Support, Friend of the Court, and Prosecuting Attorney. Manuals are currently available in hardcopy and electronic format. Local FOC and PA offices must maintain hardcopy manuals. Local FIA offices have manuals available in an on-line environment, but must maintain at least one hardcopy set of manuals. Local PA and FOC offices will eventually have access to manuals in the same on-line format. Internet access to the manual is anticipated for the future.

Manual Revisions

As revisions are needed, policy is updated in hardcopy and electronic formats. Revisions and effective dates are indicated in the upper right hand corner of each page. In addition, vertical lines are used in left hand margins to call attention to the particular sections which have been revised, except when an entire item has been revised.

Manual Bulletins

Revised manual pages are transmitted to manual holders via a program policy bulletin, IV-D Combined Manual Bulletin. The bulletin contains a brief description or summary of the policy changes, the effective dates of the revisions, and legal bases for the changes. The bulletin is published both in hardcopy and electronically and gives instructions for hardcopy manual maintenance.

**Manual
Maintenance**

Persons included in the manual distribution must keep an updated manual for reference. When on-line and electronic manuals are in place, updates will be automated and users will be notified of changes in the appropriate formats. After the on-line and electronic manuals are available, each local office is responsible for keeping one hardcopy manual up-to-date by inserting revised pages and removing obsolete pages.

LEGAL BASE

42 USC 651-669B
45 CFR 301-307
MCL 400.231-400.235
MCL 49.153
MCL 552.501- 552.535
MCL 552.1101- 552.1901
MCL 722.711-722.730
MCL 722.1-722.6
MCL 552.451-552.459